

**LITTLER MENDELSON, P.C.**

Scott A. Forman (admitted *pro hac vice*)  
I. Michael Kessel (Bar Roll No. 514136)  
900 Third Avenue, 8th Floor  
New York, New York 10022  
(212) 583-9600  
Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

AMY G. DEJOHN,

Plaintiff,

v.

WAL-MART STORES EAST, LP,  
WAL-MART STORES EAST, INC.,  
WAL-MART STORES, INC. and  
DONALD DEFEO, as an Aider and  
Abettor,

Defendants.

Case No. 09-CV-1315 (GTS) (ATB)

**DEFENDANTS' PROPOSED  
VOIR DIRE QUESTIONS**

**INTRODUCTION**

1. Our judicial system provides that the parties are entitled to have a trial by a fair and impartial jury. I will be asking you certain questions today about your background. The purpose of this process is not to intrude into your privacy, but so that the Court and the parties may ensure that the jurors selected to decide this case will be fair and impartial.

2. This lawsuit was filed by Amy DeJohn against Wal-Mart Stores, Inc. and Donald DeFeo. Without explaining the details of this case to you, I will inform you that this case involves a claim by Ms. DeJohn whereby she asserts that she was the victim of sex discrimination on account of her bonus pay.

**VOIR DIRE QUESTIONS**

**A. General Questions**

3. Are any of you related to Ms. DeJohn or do you know her or any members of their family?

4. Plaintiff is represented by the law firm of O'Hara, O'Connell & Ciotoli. Do any of you know Stephen Ciotoli or have you had any dealing with the law firm?

5. Have any of you ever been represented by O'Hara, O'Connell & Ciotoli or any attorneys from that firm?

6. Defendants' attorneys are Scott Forman and Michael Kessel of the law firm of Littler Mendelson, P.C. Do any of you know Mr. Forman, Mr. Kessel or any other lawyers at Littler Mendelson, P.C.?

7. Have any of you ever been represented by Littler Mendelson, P.C. or any of the attorneys in that firm?

8. Have any of you ever been involved in any legal matter or proceeding where another party was represented by any attorney in Littler Mendelson, P.C.?

9. During the trial of this case, the following witnesses, in addition to the named parties, may be called to testify on behalf of the parties. The parties are not required to call all of these witnesses but might decide to call some of them. Do you know of, or are you related to, any of the following potential witnesses?

Paul Busby

Donald DeFeo

John Emery

Sidney Knowles

Paul Plevritis

Baldomero Silva

Joel DeLaney

10. Were you acquainted with any of the members of this jury panel prior to being called to jury duty?

11. Do any of you have any beliefs or feelings against a company being sued by an individual that might prevent you from being completely fair and impartial in this case?

12. Are any of you or a member of your family presently involved in a civil lawsuit of any kind, or been involved in one at any time during the past five years? If so, please describe the nature of the lawsuit.

13. Have any of you ever been involved as a witness, or otherwise, in any situation involving the workplace? If so, please describe.

14. Have you ever had any legal training, taken any law courses or been employed by any law firm or by any government law entity such as any prosecutor's office, any court system or any type of legal investigation office in any government entity?

15. What was your last year of education (i.e., did you complete high school, community college, college, graduate school, etc.?) What was your major, specialty or degree in?

16. Have you earned any professional or vocational licenses or certificates? If so, list the type and the year earned.

17. What was the last year of education for your spouse, partner or roommate, if any?

18. Have you received any education, training, or work in the following fields: (a) law or legal field; (b) human resources; (c) retail or sales; or (d) law enforcement? If so, please explain.

19. Who is your current employer? If you are not currently employed, who was your most recent employer?

20. Who is your spouse's current employer? If your spouse is not currently employed, who was your spouse's most recent employer?

21. If you or someone close to you did serve as a juror in any type of case, was there anything about that experience as a juror that left you with an unfavorable impression of our legal system?

22. Are you a member of any organization, club or group that is concerned with employment issues or civil lawsuits? If so, please describe the organization and your role.

23. Would jury service in this case conflict with your religious beliefs or activities?

24. Do you understand that if chosen as a juror, you have to decide this case based on the law and the facts as the jury finds them from the evidence and testimony presented in this courtroom without regard to any sympathy you may feel for Ms. DeJohn?

25. In general, would you, at the beginning of this trial, have any feelings toward Plaintiff's case or toward Wal-Mart's case?

26. Will you be able to follow the legal instructions given to you by the Court regardless of your personal feelings as to what the law should be?

27. Do any of you feel that, for any reason, you would not be able to return a fair and impartial verdict in this case?

28. Is there anything else about you that you think the Court would want to know about you or your life experience in relation to you being a juror in this case?

**B. Questions Relating to Wal-Mart**

29. Have any of you been, or are any of you currently, an employee of Wal-Mart?

30. Have any of your relatives or close friends ever been an employee of Wal-Mart?

31. Do any of you have, or have you had, any type of business relationship with Wal-Mart? If so, describe the relationship.

32. Have you ever had any problems with those goods or services sold or provided by Wal-Mart? If you have had any problems with Wal-Mart goods or services, do you have any ill feelings towards the Company?

33. Do any of you, any members of your immediate family or any of your friends own Wal-Mart stock? If so, did any of you, or any members of your immediate family, or any of your friends, lose money with respect to the disposition of Wal-Mart stock? If you lost money with respect to such stock, do you have any ill feelings towards the Company?

34. Have you ever been involved in a lawsuit or dispute involving Wal-Mart?

35. Do any of you have a close friend or relative who has been involved in any dispute or lawsuit with Wal-Mart?

36. Do you have any negative feelings towards Wal-Mart?

**C. Questions Relating to Plaintiff's Claim**

37. Have any of you ever been involved as a witness, or otherwise, in any situation involving a claim of employment discrimination? If so, please describe.

38. Have any of you ever sued or been involved in a serious dispute with your employer?

39. Do any of you have a friend or a relative who has been involved in a serious dispute with or sued his or her employer?

40. Have you or any member of your family or any of your friends ever sued anyone or filed a charge, claim or complaint against any person or corporation alleging discrimination of any type whatsoever? If so, what type of discrimination was involved, and what was the outcome of that charge or claim?

41. Have any of you, or any member of your family ever been laid off, discharged, demoted or involuntarily transferred from a job? If so, describe the circumstances and whether any action was taken challenging the employer's decision.

42. Do any of you feel that you have been unfairly treated at work? If so, please describe the circumstances and whether you took any action concerning this unfair treatment.

43. Do any of you believe that you have ever been discriminated against in employment? If so, please describe the circumstances, the type of discrimination and whether you took any action such as filing a grievance, filing an internal complaint, filing a discrimination charge or lawsuit.

44. Do any of you have a close friend or relative who has ever been discriminated against in employment? If so, please describe the circumstances.

45. Do any of you have any biases or feelings about any discrimination case that would make it more difficult for you compared to the average person from being a fair and impartial juror in this type of case?

46. Do any of you supervise or manage employees on your job or have any of you ever done so?

47. Have any of you ever been in a work position that required you to select from a number of applicants one person to fill a position? If so, please specify.

48. Have you or any member of your family ever: (a) owned or operated your own business; or (b) done business as a corporation?

49. If you, your spouse, partner or roommate are unemployed, what is the reason for unemployment? Choice? Laid off? Unable to work? Disabled?

50. Have you ever been accused, regardless of the merits of allegation, of discriminating against someone?

51. Have you ever been accused, regardless of the merits of the allegations, of treating another employee unfairly?

**D. Media Reports and General Perception**

52. Have you ever heard of, do you have any knowledge of, or do you have any particular interest in the facts or events of this case?

53. Has anything that you may have seen in newspapers, television or other media led you to believe that Wal-Mart mistreats its employees? If yes, please specify.

54. Do you have an opinion about Wal-Mart whether positive or negative? If so, what is your opinion and what do you base that opinion on?

Dated: New York, New York  
February 28, 2013

LITTLER MENDELSON, P.C.

By: s/ I. Michael Kessel  
Scott A. Forman (admitted pro hac vice)  
I. Michael Kessel (Bar Roll No. 514136)  
900 Third Avenue  
New York, NY 10022  
(212) 583-9600  
Attorneys for Defendants